

REMARKS

Reconsideration of this application is requested. Entry of the present amendment is requested because it is believed that the same places the application in condition for allowance or in better form for appeal.

By the present amendment, Claim 15 has been cancelled, Claims 1 and 9 have been amended, dependent Claims 3 and 4 have been rewritten as respective new Claims 23 and 24, and new Claims 25 and 29 have been added.

Revised drawings are submitted herewith in view of the draftsman's objection, and it is believed that the margins now are consistent with PTO rules.

Claims 1 and 9 have been amended to state that at least one haptic has a thinner portion adjacent the optic and Claim 9 has been amended to state one or more "plate" haptics. As will be discussed further below, it is submitted that these amended Claims 1 and 9 and their dependent claims define patentable subject matter over the cited art.

Claim 3 has been rewritten as new Claim 23 and specifically defines at least one of said haptics having one or more notches with an edge portion and the notches being spaced about the lateral edges of the haptics, and further that the edge portion is disposed at a substantial angle to a longitudinal axis of the haptic.

Claim 4 has been rewritten as Claim 24 and specifically defines at least one of said haptics having one or more notches with an edge portion and the notches being spaced about the lateral edges of the haptics, and further that the edge portion is disposed at a substantial angle to a side edge of the haptic. The cited art does not disclose a similar construction.

Additionally, new Claims 25 through 29 have been added. Claim 25 is patterned after Claim 9 but specifically requires protuberances extending both anteriorly and posteriorly from at least one surface of the haptic. Dependent Claim 26 defines the protuberance on at least a pair of haptics. Dependent Claim 27 requires that the haptics are plate haptics and each have a thinner portion adjacent the optic. Dependent Claims 28 and 29 add further limitations to respective Claims 9 and 25. None of the cited art discloses this combination, particularly with protuberances extending both anteriorly and posteriorly.

Turning now to the cited and applied patents, Choyce '851 discloses an intraocular anterior chamber implant (versus Applicant's posterior chamber in capsular bag) and which is not an accommodating lens. It does disclose notches on the ends, but not on the sides. Choyce merely has concavities or scalloping to reduce the size and weight of the lens. The inward curves 6 are not notches as described and claimed in the present application. Furthermore, the lens is a rigid multiplanar lens and it does not have any thinned area or hinge. Additionally, there are no protuberances as presently defined.

The Examiner acknowledges that the space between 2 and 3 forms an inward curve 6. However, the same does not constitute a notch and more importantly does not include one or more

notches with an edge portion as defined in Claims 23 and 24 and further wherein the edge portion is disposed at a substantial angle to the longitudinal axis of the haptic as defined in Claim 23 nor at a substantial angle to a side edge of the haptic as defined in Claim 24 and as clearly disclosed both in the present specification and drawings. In view of the amendments to Claims 1 and 9 which specifically define a thinner portion adjacent the haptic, and Choyce does not disclose this structure, it thus is believed that the claims which depend on Claims 1 and 9 define patentable subject matter.

Turning now to the Section 103 rejection on Crozafon '630 in view of Richards '082, Crozafon does not disclose an accommodating lens nor one with a thinned area or hinge. Amended Claim 9 specifically defines one or more plate haptics and at least one having a center portion adjacent the optic. As the Examiner acknowledges, Crozafon lacks the teaching of the haptics being adapted to move the optic anteriorly and posteriorly in response to the ciliary muscle. Although Richards teaches a pair of lenses which move toward or away from each other, there still is no disclosure of a thinned portion or hinge as specifically required in amended Claim 9. Furthermore, the combination of Crozafon and Richards is respectfully believed to be a real stretch of the teachings of both, and one purely by hindsight after reviewing the present application. How, for example, would one modify a single optic of Crozafon to move absent adding a second lens, again with no thinned area on a plate haptic or hinge. Although Nordan '749 does disclose a haptic having a smaller cross-section at the root, he does not disclose a plate haptic having a thinner portion adjacent the optic. The proposed combination of Crozafon and Richards still lacks the thinned area or hinge,

and Crozafon has no accommodation, and Richards accommodates only with two optics. The teachings of the two are so diverse, it is extremely difficult to see how it would be obvious to modify one in view of the other as proposed by the Examiner.

Crozafon discloses beads 7 and undulations 20, both on the same side of the lens. There is no disclosure of a protuberance extending both anteriorly and posteriorly from the haptic and, it is not seen how it would be obvious to modify and provide this structure.

The Choyce lens is a rigid plate lens, and the Nordan lens is a rigid optic and flexible loops that bend centrally. They are not plates, and they are designed to eliminate the risk of eccentric installation or movement of the IOL. Richards is an accommodating lens with two optics, but no hinge and no protruding fixation elements. It is not seen how the Choyce lens can be modified to produce a thinner portion adjacent to the optic in order to attain the desired flexibility Applicant seeks since the Choyce lens is made of a rigid material, PMMA, which is believed would break if it were thin and was flexed. Finally, the Kelman lens is a non-accommodating lens designed so that the loops flex in the plane of the optic, not away from the plane, and has no hinge but has a plate design where the plate component is designed to biologically absorb with time. The design is primarily to stiffen the loop lens designed to facilitate insertion.

In view of the foregoing, it is respectfully submitted that the present Claims 9-14, and 16-27, clearly are not anticipated by any of the cited art and, further, the lenses defined therein are not obvious in view of any combination of the cited art. Accordingly, favorable reconsideration of this application and allowance is requested.

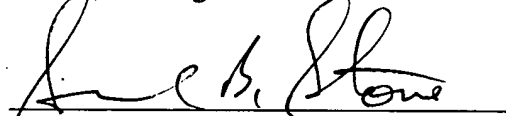
The Commissioner is authorized to charge Counsel's Deposit Account No. **150665** in the amount of **\$162.00** for the additional claim fee, and for any additional fees that may be required, and to credit any overpayments to said Deposit Account **150665**.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

1. An intraocular lens for implanting within a natural capsular bag of a human eye, said lens implant comprising:

a lens body having anterior and posterior sides and including an optic and two or more plate haptics spaced about said optic, said haptics having inner ends adjacent to said optic and outer ends extending from said optic, said haptics having lateral edges; and

at least one of said haptics having one or more notches spaced about said lateral edges of said haptics and at least one of said haptics having a thinner portion adjacent the optic.

9. (Amended) An intraocular lens for implanting within a natural capsular bag of a human eye, said lens implant comprising:

a single optic only having [an] anterior and posterior sides and one or more plate haptics extending from the edge of said optic,

said haptics having inner ends adjacent to said optic and outer ends extending from said optic, at least one haptic having a thinner portion adjacent the optic,

said haptics being adapted to move said optic anteriorly and posteriorly relative to the outer ends of said haptics upon constriction and relaxation of the ciliary muscle of the eye, and

said haptics having at least one protuberance extending from at least one surface of said haptic.

17. The lens according to [claim 1 or] claim 9, wherein said lateral edges of said haptics are parallel to each other, or tapered outwardly from the optic, or tapered inwardly from the optic.

18. The lens according to [claim 1 or] claim 9, wherein said haptics have one or more openings formed therethrough.